

1

2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA

4

5 CITY AND COUNTY OF SAN
FRANCISCO, et al.,

6

Plaintiffs,

7

v.

8

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, et al.,

9

Defendants.

10

11

STATE OF CALIFORNIA, et al.,

12

Plaintiffs,

13

v.

14

U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

15

Defendants.

16

17

LA CLINICA DE LA RAZA, et al.,

18

Plaintiffs,

19

v.

20

JOSEPH R. BIDEN, et al.,

21

Defendants.

22

23

24

25

26

27

28

Case No. 19-cv-04717-PJH
Case No. 19-cv-04975-PJH
Case No. 19-cv-04980-PJH

ORDER STAYING CASES

On May 21, 2021, the parties in the lowest-numbered of the three above-captioned related cases filed a status report advising the court of the status of the appeal before the Ninth Circuit. See 19-4717, Dkt. 162. The report states that, after the Ninth Circuit affirmed this court's issuance of a preliminary injunction enjoining enforcement of the public charge rule, 13 states moved to intervene in the Ninth Circuit so that they could petition the Supreme Court for certiorari. The Ninth Circuit denied the motion to

intervene. See 992 F.3d 742 (9th Cir. 2021). The 13 states have now moved to intervene directly before the Supreme Court, and that motion remains pending.

The status report further states that a group of 14 states are attempting to intervene in separate litigation before the Northern District of Illinois, in which the district court vacated the public charge rule. The 14 states seek intervention for the purpose of reopening the final judgment under Federal Rule of Civil Procedure 60(b).

Based on the ongoing litigation in the Supreme Court regarding the 13 states' attempt to intervene and obtain certiorari review of the Ninth Circuit's affirmation of this court's preliminary injunction order, and based on the ongoing litigation in the Northern District of Illinois regarding the 14 states' attempt to intervene in that case, the court orders that the present three cases be STAYED pending resolution of the ongoing litigation. All pending motions shall be terminated. The parties shall file a joint status statement within 14 days of the Supreme Court's disposition of the 13 states' motion to intervene or the Northern District of Illinois's disposition of the 14 states' motion to intervene and reopen final judgment, whichever is later.

IT IS SO ORDERED.

Dated: May 26, 2021

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge